

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

#1

PHILIPPE BUHANNIC

Write the full name of each plaintiff.

18 CV 2430

(Include case number if one has been assigned)

-against-

SEE ATTACHED

COMPLAINT

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☒ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, PHILIPPE BUNAMULE, is a citizen of the State of FRANCE
(Plaintiff's name)

SWITZERLAND
(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

FRANCE.

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, SEE ATTACHED, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____

If more than one defendant is named in the complaint, attach additional pages providing information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

PHILIPPE MARC BUHANWIC
First Name Middle Initial Last Name

(POSTAL) 65 CENTRAL PARK WEST # 17A
Street Address

NEW YORK NY 10023
County, City State Zip Code

917 716 3542 PBUHANWIC@GMAIL.COM
Telephone Number Email Address (if available)

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

First Name	Last Name
Current Job Title (or other identifying information)	
Current Work Address (or other address where defendant may be served)	
County, City	State Zip Code

Defendant 2:

First Name	Last Name
Current Job Title (or other identifying information)	
Current Work Address (or other address where defendant may be served)	
County, City	State Zip Code

Defendant 3:

First Name	Last Name
Current Job Title (or other identifying information)	
Current Work Address (or other address where defendant may be served)	
County, City	State Zip Code

Defendants:

American Arbitrage Association (AAA)

120 Broadway, New York, NY 10271

(212) 716-5800

carmonar@adr.org

incorporated in state of New York

Morgan Lewis & Bockius

101 Park Ave #45, New York, NY 10178

(212) 309 6000

david.pollak@morganlewis.com

Incorporated in state of Pennsylvania

Bruce Rosenthal

1 Penn Plaza, 49th Floor, New York, NY 10119

(212) 359-4100

bruce.rosenthal@tradingscreen.com

Richard F, Ziegler

919 3rd Ave, New York, NY 10022

(212) 891 1680

rziegler@jenner.com

George Gluck

43 West 43rd Street, suite 69, New York NY 10036-7424

(646) 360 0237

ggluck@gluckadr.com

Eugene I. Farber

200 East Post road, White Plains, New York NY 10601

(914) 761 9400

Efarber747@aol.com

Technology Crossover Ventures (TCV)

528 Ramona St, Palo Alto, CA 94301

(650) 614 8200

ir@tcv.com

Incorporated in State of California

Joseph Ahearn

1 Penn Plaza, 49th Floor, New York, NY 10119

Joseph.ahearn@tradingscreen.com

Pierre Schroeder

1 Penn Plaza, 49th Floor, New York, NY 10119

(212) 359-4100

contact@pierre-schroeder.com

Piero Grandi

1 Penn Plaza, 49th Floor, New York, NY 10119

+41797066006

gpg@grandipartners.com

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence:

Date(s) of occurrence:

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

Philippe Buhannic
Aventura 318
Route des Creux 100
1936 Verbier
Switzerland
(917)716-3542
pbuhannic@gmail.com

Affidavit

Facts:

My name is Philippe Buhannic. I was born a French citizen on July 22, 1956. I have lived in many countries but have been spending roughly 50% of my life in the USA. I have created numerous businesses, all from scratch, and thousands of well paying jobs in Finance and Technology everywhere in the world. I created my company in 2000 as I wanted to leave Wall street and the big banks. I created with 300,000 USD the leader in profitability and creativity in Fintech inventing many critical components of the current markets: multi asset class trading platform, One to many FIX network, first Execution Management System, etc. The company was incredibly successful, and we were the envy and the leader in profitability and growth. Then to replace original bank investors (BNP, Deutsche Bank and Bank of America) we decided, under the advice of our Investment Banker Ft Partners to take Private Equity money from a firm in California Technology Crossover Ventures or TCV.

They did not even wait for 5 days to attack me and my company and started to corrupt my high-level employee in my back immediately offering them my job as a reward for voting against me

and lost all the legal battles during a lawsuit on a redemption. We even became an Harvard Law School case

(<https://corpgov.law.harvard.edu/2015/05/11/increased-risk-for-preferred-stockholders-in-ensuring-mandatory-redemptions/>).

Having lost all the legal battle, they turned to other means to achieve their goals. They corrupted two of my board members who constituted my majority. Pierre Schroeder and Piero Grandi for money and stocks and assets and organized a takeover.

I am writing this letter as I have experienced a massive unfairness by the US legal system in the AAA American Arbitration Association proceedings that needs to be fixed to make the US legal system better and less corrupt. Forget about my case and my interest but the level of collusion, corruption and manipulations I have seen put the whole country at risk as it protects crooks and hurt decent, honest hard-working people. Let's go through the cases.

The AAA arbitration was fundamentally a farce process.

The AAA was in contact to us just to racket us with very high fees taking advantage of their monopoly position in the US. I have been exposed to the European arbitration in Geneva and Paris and I have only compliment to make to these organizations. They were very professional and very detailed trying to organize the arbitrations I participated very well and playing an important role. Here the AAA was just interested in racketeer her outsize charges for no services and not in the quality of the arbitration. We were at one point in a difficult situation as my

lawyers decided to withdraw 3 days before the proceedings. They did not even bother to call us. We talked directly to the arbitrators and they did not play any role. They clearly did no checks on the arbitrators and their conflict of interests instead relying on their declarations. They did not contribute in any way to the process and are fundamentally an extortion and a racketeering organization enjoying a monopoly and the organizer of a network of corrupt Lawyers that will grant you the verdict you want for money and business. They are a de-facto crime organization and need to be stopped.

The participant arbitrators who were all lawyers unfortunately, which by structure creates a significant conflict of interest, as all the firms are referring business to each other and on top grant their arbitration assignments again based on de-facto services rendered. These arbitrators were all accomplices of a complete misdeed and had reached their verdict before even looking at the case! They are all part of the old boy network of lawyers that collectively monopolize the proceedings and send each other assignments and money against the decision they want. It is almost impossible to win if you don't have on your side, one of the big law firm distributing often arbitration assignments. If you are a lawyer and want to participate you must pay your dues by reaching the correct conclusions for the people that have selected, you or you will never get another assignment from this firm. If there is ANY business relationship between their firm and the firm of one of the parties, lawyers should be prohibited to participate to arbitration proceeding as the conflict of interest is massive and obvious. Business people should be the arbitrators. They fundamentally belonged to large law firms and practice also as arbitrators but as partners still have a key interest in the financials of their firm and they get from the big firms that pick them business in compensation for reaching the verdict the big law firms that pick them want. In our case it was so flagrant that it was embarrassing.

We were able to demonstrate that the lawyer of the other side were also our lawyers and totally conflicted but never warn us of that fact. That they took all our personal information and gave it to the other side, to build their case against us.

We obtained a testimony that the key elements used by the other side and the arbitrators to reach their unacceptable decision, consisted of board minutes of 2011 that were written in March 2016 by a rogue lawyer, Bruce Rosenthal, that I was obliged to fire when I discovered he was writing fake board minutes in my back for the interest of the people that have hijacked today my company, Pierre Schroeder, Piero Grandi and TCV. These minutes were written with the objective of changing the existing setup in the Founder's agreement. The arbitrators were amazed by the fact at the time as shown in the transcript.

TCV had to admit to massive complicit of interest in their board responsibilities but never decided to abstain or not participate in decisions when they were conflicted.

Morgan Lewis top lawyer David pollack had to admit his conflict in the case between my representation and the work he was doing with the other Board members, but never mentioned it to us. He went as far as manipulating witnesses (we have the proof) and writing the affidavits against me instead of reflecting the witnesses' views.

The arbitrators were a joke. They listened and realized very quickly that we had won every point demonstrating all the manipulations and the case that the other side had built with expensive lawyer to hijack the company. At one point I was close and one of the arbitrators said to the president of the panel I quote: "The plot Thickens" when it was said under oath that the minutes were modified on order from the coup leaders. They completely got the situation and know that we were the good people and that we were savagely attacked by a corrupt bunch of retirees,

spreadsheet artists and expensive lawyers for money. We did prove all our points with ease and we should have won. In fact, we were already kind of celebrating. But guess what, we lost.

The three completely corrupt arbitrators against massive evidence and proofs, against all logic historical or otherwise. They had received their instructions against fat arbitrators fees and took a decision against us. We were flabbergasted. We have appealed on the decision but are running out of money as the other side use my company money against me and I must do it with my money.

A very simple discovery will debunk the rats and will demonstrate easily the high level of corruption of the process of AAA where court reporters make 500 USD an hour, lawyers are making a fortune for verdicts that are sold for business (with their firms or themselves). These three arbitrators are a real shame to the legal profession, should be disbarred with prejudice and should disgorge the money they took in for the arbitrages that they have manipulated.

The AAA is a body that is organizing this theft and has no interest whatsoever in in any quality, does not do any checks on their arbitrators and just thrive on bad cases as they make more money. They have fundamentally created a scheme where they aggregate the worst part of the legal profession in a private club and reward them nicely with direct and indirect money and they get a fee on everything that move without even doing any of the most basic checks and balances that a decent operator would do in any business. The whole system is corrupt to the core and is complete laughable parody of justice.

It would take a few hours for a normal person to read the transcripts and understand the complete fallacy of what has happened.

It was almost insulting to see the three arbitrators being very deferent to the other side, that was paying them, despite their complete absence of valid argument and complete demonstration of their corruption. This is one of the worst case I have ever seen of collusion and corruption in business, racketeering by a useless and criminal organization, much worse than anything I have seen in Finance in 38 years. The legal profession today is the most corrupt part of the business in the US as the pressure to rack in fees to pay for the core infrastructure of law firms (all these fancy offices) transform the lawyers in invoicing clerks just interested in making the bills higher.

Given what has happened and the level of corruption that it entails it would be an illusion to try to resolve it through normal means. The system will protect itself. I have a high opinion of the FBI and I strongly believe that it is only the FBI that can put a stop to a total, deep rooted corruption in the arbitration process in the US. Through discovery we will be able to prove all the non-written links between the players and their obvious collusion, the favorable business being sent as a reward for unjust verdict and the level of corruption of firm like Morgan Lewis which has astonished me. This must stop as the justice function has to work for the society to thrive. I seriously believe that this case is amazing and should be treated with great rapidity to put a stamp on these practices before they corrupt further the legal environment. The justice decision is taken by an oligarchy of seasoned lawyers sending to each other business either directly to themselves as arbitrators with very fat fees or to the firms they work with to be more discreet and the verdict are "bought" instead of being fairly decided. And the racketeering of the clients is organized by AAA in a very efficient system just concerned about billings and not in truth and justice.

In our case it is totally flagrant, but I am sure that many cases are like that and this system must stop or will endanger the entire arbitrage system credibility. It is necessary to get into this white-

collar crime environment and stop the actions of these corrupt lawyers that are taking advantage of their situation, leaving aside their professional duties, moral obligations and responsibilities for money to themselves or their firm.

Fundamentally the AAA has become totally hijacked by a private club of lawyers that are getting highly paid by their services and effectively allocate the results of the cases based on their interests against the interest of society. It creates a clear risk for the economy of the US as companies will avoid being in a location where the basic of justice cannot be trusted.

Damages:

The damages we suffered from this farce of an arbitrage are extremely important. By reading the Founder's agreement based on manipulated information we lost the majority of the company and a company that was worth 375 Million USD in October 2015 was brought to bankruptcy or a massive loss for a 70% owner! Further this has allowed the coup member to stay wrongly in power and destroy the company, my personal reputation and the future of the best Fintech company in the business.

Relief

Our first relief should be the right to investigate and to get a decent discovery that will prove easily all our points. We should obtain from the Court a very solid discovery capability and be able to prove the racketeering, collusion, corruption and criminal nature of the association of the Defendants. Therefore, we are requesting the power of RICO to be able to go to the bottom of this organized crime organization called AAA and be able to prove our points with all the support of the law and debunk hidden payouts and corruption.

Given the damages created to us first we would ask the Court to decide that the AAA has been in our case a complete scandalous farce and that AAA needs to pay us back all the fees paid since the first USD plus all my legal fees through Kasowitz and Shibolet my two lawyers. Secondly the Court should decide of the appropriate penalty to punish AAA for not respecting its fiduciary duties and to have organized a system that fundamentally concentrate the target of the AAA on making more money against its obligation of rendering a fair justice process. An obligation for the AAA to certify that the process is independent, and fair should be added as an obligation to them keeping their right to organize arbitration.

The three arbitrators should be penalized and be prohibited for life to be an arbitrator, be forced to give back all the money they made on the case and pay a significant penalty for their collusion and corruption. Further criminal charges should be pursued given the seriousness of the misdeed they committed.

The other Defendants are all the origin and the pilot of this scheme of delusion, corruption and should be heavily penalized for organizing this farce and collusion. Morgan Lewis should be prohibited to participate in any arbitration process for years and should be paying a very hefty fine and its top lawyer David Pollack should be disbarred and investigated in our case. Bruce Rosenthal should be prohibited to exercise any legal function for 10 years and should be penalized financially for his corruption as he was rewarded by the coup organizer in multiple forms in cash and stocks. Finally, TCV which is the instigator of the entire coup should be penalized heavily for having organized the corruption of the process and financed most likely significant hidden payouts as we will discover in the discovery. I AM REQUESTING A COMPENSATION OF 200 MILLIONS USD.

Philippe Buhannic

February 26, 2018

Sworn to before me on
_____ day of April 2017

NOTARY PUBLIC

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

19 MARCH 2018
Dated

Philippe Marc Buhanic
Plaintiff's Signature

PHILIPPE MARC BUHANIC
First Name Middle Initial Last Name

(POSTAL) 65 CENTRAL PARK WEST #17A
Street Address

NEW YORK NY 10023
County, City State Zip Code

917 716 3542
Telephone Number

PBUHANIC@GMAIL.COM
Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.